

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**KINGSLEY C. IHEKWABA,
Plaintiff,**

v.

**CHASE MANHATTAN MORTGAGE,
A DIVISION OF JPMORGAN CHASE
BANK, N.A. D/B/A CHASE,
Defendant.**

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:15-cv-00537-P

JOINT PROPOSAL FOR CONTENTS OF SCHEDULING AND DISCOVERY ORDER

TO THE HONORABLE JORGE A. SOLIS, CHIEF UNITED STATES DISTRICT JUDGE:

As required by the Order Requiring Attorney conference and Proposal for Contents of Scheduling and Discovery Order (Dkt. No. 10), Kingsley C. Ihekwaba (the “Plaintiff”) and JPMorgan Chase Bank, N.A. (the “Defendant”) submit this Joint Proposal for Contents of Scheduling and Discovery Order as follows:

I. STATUS REPORT

James J. Manchee, counsel for the Plaintiff, and Kenneth A. Hill, counsel for the Defendant, met in person on March 9, 2015 to determine in good faith whether this case can be settled before additional expenses are incurred and to discuss the contents of this Joint Proposal. Prior to the conference, Mr. Manchee requested that the Defendant voluntarily produce certain documents to assist the Plaintiff in making a settlement proposal. The Defendant is evaluating that request and will respond in the near future. At the conference, Mr. Manchee and Mr. Hill discussed the factual and legal issues of the case and possible settlement. The parties expect to continue exploring negotiations.

II. MEDIATION

In light of the ongoing settlement negotiations, the parties do not believe that mediation is advisable at this time. All parties are represented by experienced counsel. There has been, and continues to be, open and amicable dialog between counsel concerning all aspects of this case. The parties do not believe that mediation would facilitate or enhance the chances of settlement at this time.

III. JOINT PROPOSAL FOR SCHEDULING AND DISCOVERY ORDER

1. **Proposed time limit to file motions for leave to join other parties and to amend the pleadings.**

August 7, 2015.

2. **Proposed time limits to file various types of motions.**

The parties propose the following:

<u>Motion</u>	<u>Proposed Deadline</u>
motions to exclude or strike expert testimony or reports	April 15, 2016
dispositive motions	April 15, 2016
motions in limine	May 15, 2016

3. **A proposed plan and schedule for discovery, including a time limit to complete discovery.**

The parties propose to exchange Rule 26(a)(1) initial disclosures by May 15, 2015 and that discovery be completed by March 15, 2016.

The parties propose that discovery should not be conducted in phases or focused on particular issues except to the extent limited by the Federal Rules of Civil Procedure and applicable case law. The parties propose that electronically stored information should be produced by printing (in hard copy or to a CD) the information in the format most commonly used by the producing party. The parties propose that no changes should be made to the

limitations on discovery imposed under the Federal Rules of Civil Procedure or this Court's local rules and that no other limitations should be imposed. The parties do not anticipate any unusual issues about claims of privilege or protection as trial-preparation materials, nor do the parties anticipate the need for any special procedures to assert those claims after production.

4. A proposal for limitations, if any, to be place upon discovery.

The parties propose that no changes be made to the limitations on discovery imposed under the Federal Rules of Civil Procedure or this Court's local rules and that no other limitations should be imposed.

5. A proposed time limit to designate expert witnesses.

The parties propose the following:

- a. deadline for Plaintiff to designate expert witnesses: November 16, 2015; and
- b. deadline for Defendants to designate expert witnesses: January 15, 2016.

6. A proposed trial date, estimated number of days required for trial and whether a jury has demanded.

The parties propose a trial date anytime available on the Court's calendar in August 2016 and estimate that trial will take two to three days. The Plaintiff has demanded a jury.

7. A proposed date for commencing settlement negotiations.

Settlement negotiations have already started and are ongoing.

8. Whether the parties will consent to trial (jury or non-jury) before U.S. Magistrate David L. Horan.

The parties will not consent to a trial before a U.S. Magistrate Judge.

9. Whether the parties are considering mediation or arbitration to resolve this litigation and, if not, why not.

As explained in Part II above, the parties do not believe that mediation would facilitate or enhance the chances of settlement at this time. The parties will not agree to arbitration due to the

additional expense and extremely limited appellate rights. All parties agree that this lawsuit should be resolved by trial in this Court if they are not able to reach a settlement.

10. Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial, including the parties' positions on a consolidated discovery schedule.

None at this time.

11. Any other matters relevant to the status and disposition of this case.

None at this time.

Respectfully submitted,

James J. Manchee

WILLIAM L. MANCHEE
Texas Bar No. 12891200
JAMES J. MANCHEE
Texas Bar No. 00796988
MANCHEE & MANCHEE, LLP
12221 Merit Drive, Suite 950
Dallas, Texas 75251
(972) 960-2240 Telephone
(972) 233-0713 Facsimile
ATTORNEYS FOR THE PLAINTIFF

and

QUILLING, SELANDER, LOWNDS
WINSLETT & MOSER, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201-4240
(214) 871-2100 (Telephone)
(214) 871-2111 (Facsimile)

By: /s/ Kenneth A. Hill

Wm. Lance Lewis
State Bar No. 12314560
Kenneth A. Hill
State Bar No. 09646950
ATTORNEYS FOR THE DEFENDANT